

## REMARKS

A petition for extension of time is being filed concurrently with this amendment.

The specification has been amended to minimize the use of the VELCRO® trademark, which has been capitalized wherever it appears. The examiner also notes that reference numeral 35 is not in the specification, however, reference numeral 35 does appear in the specification on page 8 at line 5. The trade name NAUTICA has been removed from the specification.

The drawings are objected to because text is included. Drawing corrections are submitted showing the deleted text portions. Reconsideration is respectfully requested.

Claims 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Accordingly, the use of the term "watertight" has been replaced with water resistant or similar language on page 7 and elsewhere where appropriate. Claim 2 has been amended to state "...second attachment means allow for water resistant engagement of said flap ...". Reconsideration is respectfully requested.

Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fakoury (US 3,829,995). Fakoury discloses a license holder having a single strip, the body of the license holder depending from the single strip which holds the enclosure in position on the garment. The single strip is the only component of the license holder attached to the garment. A closure element in the form of a single snap closure holds the lower enclosure in a folded position upon the upper enclosure. The overall appearance is somewhat bulky, and the license holder is free to pivot about the strip even when the holder is in the folded position. The present invention is an enclosure for an identification card, lift tickets, etc., designed for individuals engaged in vigorous activities such as skiing and snowboarding. Accordingly, the enclosure is firmly secured to the garment, with a removable covering flap depending from an attachment strip. Closure is effected by engagement of edge regions of the flap with four hook and loop type strips attached directly to the garment proximate three sides of the enclosure to form a secure hook and loop type closure. The attachment strips for the flap, the enclosure, and the four hook and loop type strips are all attached to the garment effectively lying in the same "plane" which greatly reduces the profile of the enclosure. The license holder disclosed by Fakoury, and other "attachment pockets" designed to be secured to garments are typically very bulky, especially if they employ a

closure flap for securing the contents of the pockets, and thus are not aesthetically pleasing. The bulkiness is produced when various pocket component are sewn or otherwise attached onto each other as can be seen in U.S. patent number 1,436,854 (Brady) and 1,702,189 (Abbey). It should be noted also that pockets using zippers or snaps can be difficult to manipulate, especially when the user is wearing gloves and thus most prior art pockets are not suitable for use in the environment which the present invention is designed for. Claim 1 has been amended to include the language “..a first component forming an inner enclosure having a border portion directly attached to said garment and a translucent interior portion;

a second component forming a first ~~attachment means~~ closure means attached to said garment in spaced relation to the border portion, said first closure means including four separate strips adjacent three sides of said inner enclosure; and,

a third component forming a flap attached to said garment in spaced relation to said inner enclosure and said first ~~attachment~~ closure means, said flap having a ~~attachment~~ second closure means adapted for releasable engagement with said first ~~attachment~~ closure means..” new independent claim 7 contains similar language to clearly indicate that the accessory pocket of the invention has three separate components, each of which is separately secured to the garment. The robust construction and the secure closure means virtually eliminate the possibility of the pocket becoming dislodged or torn from the garment as might happen if the user falls while skiing or brushes against a tree at high velocity. Furthermore, the closure means ensure that all edges of the flap are held in close proximity to the garment, effectively preventing entry of snow and ice particles and providing an effective although somewhat permeable barrier to moisture from water droplets, e.g., rain, which may come into contact with the garment. In light of the above, the 35 U.S.C. 102(b) claim rejections based on Fakoury cannot be applied to amended claims 1, 3, and 4, and new claims 6 and 7. Reconsideration is respectfully requested.

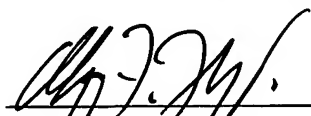
Claims 2 and 5 are dependent upon amended claim 1 so the rejections pertinent thereto, with respect to the Fakoury reference, are now moot.

Claims 1 - 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Golde (US 5,884,338). Golde shows a pocket having an enclosure with a border portion upon to which a closure means, a zipper, is attached. A flap having the mating zipper edge is used to form a

closure for the pocket. Thus the border portion of the enclosure includes the closure means for the flap. In claim 1 as now claimed, the closure means is formed from a series of hook and loop strips attached directly to the garment *in spaced relation to the border portion of the enclosure*. Also, Golde has a separate innermost enclosure having a waterproof opening so that two closure means are used. Again, the idea of having three pocket components each directly attached to the garment is not shown. Reconsideration is respectfully requested.

The prior art made of record and not relied upon is not considered pertinent to the invention as now claimed.

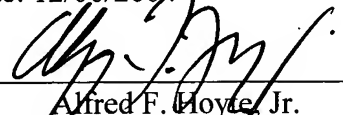
In accordance with the above, the application, with claims 1 -7 is believed to be in condition for allowance, which action is respectfully requested.

  
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Alfred F. Hoyte, Jr.  
Reg. No. 33,512  
Tel. No. 202-737-7590

#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed "Commissioner of Patents and Trademarks, Washington, DC 20231" on the date below.

Date: 12/06/2004

  
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Alfred F. Hoyte, Jr.  
Reg. No. 33,512